

to lower and reduce and injuriously affect its quality and strength, and had been substituted in large part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Olio Puro D'Oliva Lucca Tipo Italy," "Olio Puro D'Oliva Garantito Produzione Propria," and "Net Contents Full Gallon," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article, whereas, in truth and in fact, said article was not pure olive oil, but was a mixture composed in part of cottonseed oil; it was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 full gallon net of the article, but did contain a less amount; for the further reason that said article was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured or produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; for the further reason that the statements on the cans as aforesaid purported that said article was a foreign product when not so; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 5, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$30.

E. D. BALL, *Acting Secretary of Agriculture.*

7775. Adulteration of milk. U. S. * * * v. Grafeman Dairy Co., a Corporation, and John J. Hopson, Co-partners. Plea of nolo contendere to count 1 of the indictment. Fine, \$100 and costs. Remaining counts of indictment dismissed. (F. & D. No. 10450. I. S. No. 9713-p.)

On October 9, 1919, the grand jurors of the United States of America within and for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment in 9 counts in the District Court of the United States for said district against the Grafeman Dairy Co., a corporation, and John J. Hopson, Kaufman, Ill., co-partners, charging shipment by said defendants, in the first count of said indictment, in violation of the Food and Drugs Act, on September 7, 1917, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department by the sediment test showed the milk to be dirty.

Adulteration of the article was charged in the indictment for the reason that it consisted in whole or in part of a filthy animal substance.

On May 22, 1920, a plea of nolo contendere to the first count of the indictment was entered on behalf of the defendant corporation, and the court im-

posed a fine of \$100 and costs. The remaining counts of the indictment were dismissed. The indictment was dismissed as to the defendant Hopson whose death occurred prior to the calling of the case for final disposition.

E. D. BALL, *Acting Secretary of Agriculture.*

7776. Misbranding of Texas Wonder. U. S. * * * v. 3 Dozen Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12996.)

On January 5, 1920, the United States attorney for the Northern District of Alabama filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen bottles of Texas Wonder, in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by E. Strocker, St. Louis, Mo., on or about December 16, 1919, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, oil of turpentine, rhubarb, guaiac, and alcohol.

Misbranding of the article was alleged in the libel for the reason that the statement on the carton or label, to wit, "Texas Wonder, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder trouble in children," with reference to the therapeutic and curative qualities of said drug, was false and misleading and false and fraudulent, and the same was known to be false and fraudulent by the manufacturer, shipper, and those thus labeling said drugs at the time they were so labeled.

On March 22, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7777. Adulteration and misbranding of so-called olive oil. U. S. * * * v. Frank Kakarakis and Gus Kakarakis (Kakarakis Bros.). Plea of guilty. Fine, \$30 and costs. (F. & D. No. 9346. I. S. Nos. 8617-p, 8618-p, 9163-p, 9164-p, 9165-p, 9166-p, 9167-p, 9771-p, 15222-p.)

On June 28, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Kakarakis and Gus Kakarakis, trading as Kakarakis Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on November 22, 1917, from the State of Illinois into the State of Michigan, on April 15, 1918, April 1, 1918, March 23, 1918, March 28, 1918, and January 25, 1918, from the State of Illinois into the State of Indiana, on January 22, 1918, from the State of Illinois into the State of Ohio, and on April 17, 1918, from the State of Illinois into the State of Iowa, of quantities of so-called olive oil which was adulterated and misbranded. The article was labeled, "One Gallon Net" or "One Quart Net" or "Half Gallon" or "One Pint Net," as the case might be (cut of crown) "Superfine compound with Pure Olive Oil" (picture of man) "King Alexander I. Brand KB Chicago, U. S. A. KB Superfine compound with Pure Olive Oil."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it consisted largely of cottonseed oil, and that the cans containing it were short measure.

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed